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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q97255

Toru SUZUKI, et al.

Appln. No.: 10/594,063

Group Art Unit: Unknown

Confirmation No.: Unknown

Examiner: Unknown

Filed: September 25, 2006

For: RECORDING MEDIUM PLAYBACK DEVICE

**SUBMISSION OF ENGLISH TRANSLATION OF INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY**

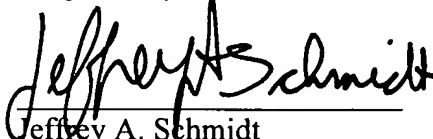
MAIL STOP PCT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an English Translation of the International Preliminary Report on Patentability issued in the international stage of this case. The Examiner is respectfully requested to acknowledge receipt of this English Translation of the International Preliminary Report.

Respectfully submitted,



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WASHINGTON OFFICE

23373

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Date: February 28, 2007



PATENT COOPERATION TREATY

PCT/JP2005/005556

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

TAKINO, Hideo
4th Floor, Hiroo SK bldg.
36-13, Ebisu 2-chome
Shibuya-ku, Tokyo
1500013
JAPON



Date of mailing (day/month/year) 18 January 2007 (18.01.2007)	
Applicant's or agent's file reference 58P0507WO	IMPORTANT NOTIFICATION
International application No. PCT/JP2005/005556	International filing date (day/month/year) 25 March 2005 (25.03.2005)
Applicant Pioneer Corporation et al	

1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

EP, KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
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TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 58P0507WO		FOR FURTHER ACTION	See Form PCT/IPEA/416																								
International application No. PCT/JP2005/005556	International filing date (day/month/year) 25.03.2005	Priority date (day/month/year) 25.03.2004																									
International Patent Classification (IPC) or national classification and IPC G11B17/26 (2006.01) i																											
Applicant Pioneer Corporation																											
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <table><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>				<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																									
Date of submission of the demand		Date of completion of this report																									
Name and mailing address of the IPEA/JP		Authorized officer																									
Facsimile No.		Telephone No.																									

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2005/005556

Box No. I

Basis of the report

1. With regard to the language, this report is based on:

- ☒ the international application in the language in which it was filed
- ☐ the translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rule 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (
- replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*
-):

- ☐ the international application as originally filed/furnished
- ☒ the description:

pages 1, 3-34 as originally filed/furnishedpages* 2 received by this Authority on 20.01.2006

pages* _____ received by this Authority on _____

- ☒
- the claims:

nos. 2-3 as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1 received by this Authority on 20.01.2006

nos.* _____ received by this Authority on _____

- ☒
- the drawings:

sheets fig. 1-44 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

- ☐
- a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

- 3.
- ☐
- The amendments have resulted in the cancellation of:

☐ the description, pages _____☐ the claims, nos. _____☐ the drawings, sheets/figs _____☐ the sequence listing (*specify*): _____☐ any table(s) related to sequence listing (*specify*): _____

- 4.
- ☐
- This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____☐ the claims, nos. _____☐ the drawings, sheets/figs _____☐ the sequence listing (*specify*): _____☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2005/005556

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims

YES

Claims

1-3

NO

Inventive step (IS)

Claims

YES

Claims

1-3

NO

Industrial applicability (IA)

Claims

YES

Claims

1-3

NO

2. Citations and explanations (Rule 70.7)

Document 1: EP 977198 A2 (Fujitsu Ten, Ltd.), 02 February
2000

Claim 1

A comparison of the invention set forth in claim 1 and the invention disclosed in document 1 (in particular, refer to paragraphs [0151], [0153], [0167] and [0189] to [0191]), which is newly cited by the International Preliminary Examining Authority, revealed that the "drive source," the "storage section," the "reproduction unit," the "carrier" and the "transmission regulator" of the invention set forth in claim 1 correspond to the "lifting motor (52)," the "stocker (23)," the "PU unit (25)," the "insertion/injection roller (35)" and the "clutch mechanism (58)" of the invention disclosed in document 1. Furthermore, the ascent and the decent of the "stocker (23)" are driven by means of the "lifting motor (52)" in the invention disclosed in document 1, and even though the "lifting motor (52)" continually drives the "insertion/injection roller (35)," it is the vertical movement of the "insertion/injection roller (35)" that determines whether a disk is carried or not. Meanwhile, the disclosure delimiting a "moving part which moves the

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2005/005556

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

aforementioned holding member along the aforementioned array direction by means of the driving force from the aforementioned drive source so that the holding member is positioned at a location where it is possible to hold the recording medium that is conveyed via the aforementioned insertion port, and which moves the aforementioned carrier so that the aforementioned carrier is positioned at a location where it is possible to carry the recording medium that is inserted via the aforementioned insertion port" in claim 1 as amended by the amendment forms dated 20 January 2006 is not necessarily clear with regards to the question of whether the invention "moves the aforementioned carrier" by means of the "driving force from the aforementioned drive source" or by some other means, and thus the invention disclosed in document 1 clearly also includes a member that corresponds to the "moving part" of the invention set forth in claim 1.

Such being the case, the invention set forth in claim 1 is the same as the invention disclosed in document 1.

Claim 2

The "PU unit (25)" of the invention disclosed in document 1 (in particular, refer to paragraphs [0181] to [0184]) is raised and lowered in the same manner as the "insertion/ejection roller (35)."

Such being the case, the invention set forth in claim 2 is the same as the invention disclosed in document 1.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2005/005556

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

Claim 3

The invention disclosed in document 1 is equipped with a "splitting mechanism (26)" and a "splitting motor (53)," and is configured so that the "clutch mechanism (58)" is driven by means of the "separating side plate (56)" that constitutes the "splitting mechanism (26)."

Such being the case, the invention set forth in claim 3 is the same as the invention disclosed in document 1.